

**PROFESSIONAL STANDARDS BUREAU**

**NOTICE**  
13.5

February 28, 2019

**TO:** All Department Personnel

**FROM:** Commanding Officer, Professional Standards Bureau

**SUBJECT:** SWORN PENALTY GUIDE FOR PERSONNEL COMPLAINTS - REVISED

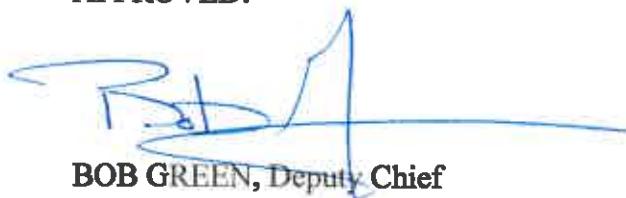
Effective immediately, the Department's Sworn Penalty Guide for Personnel Complaints has been revised to clarify the allegation types used for categorizing complaints of misconduct. The revised guide has been though the meet and confer process and is attached. The procedures for using the penalty guide and penalty assessment factors, as outlined in Administrative Order No. 15, 2016, Penalty Guide and Penalty Assessment Factors – Updated, remain unchanged.

Questions related to the penalty guide and/or penalty assessment factors should be directed to Review and Evaluation Section, Internal Affairs Group, at (213) 996-2771.

**APPROVED:**



DEBRA J. McCARTHY, Deputy Chief  
Commanding Officer  
Professional Standards Bureau



BOB GREEN, Deputy Chief  
Chief of Staff  
Office of the Chief of Police

Distribution "D"

**Los Angeles Police Department**  
**Sworn Penalty Guide for Personnel Complaints**

<b>LEGEND</b>	
<b>A</b>	Sustained-No Penalty or Admonishment
<b>B</b>	Official Reprimand or Suspension of 1 to 5 days
<b>C</b>	Suspension of 6 to 10 days
<b>D</b>	Suspension of 11 to 15 days
<b>E</b>	Suspension of 16 to 22 days
<b>F</b>	Demotion; or both Suspension and Demotion
<b>BOR</b>	Board of Rights - Recommendation for Removal

**Note:** Category "F" should be considered when the employee is in a civil service classification of detective, sergeant or above.

<b>ALCOHOL RELATED (Other than DUI)</b>	First Offense	Second Offense	Third Offense
<u>Unable to report for duty due to alcohol consumption</u>	B-D, F	D-BOR	BOR
<u>Unfit for duty due to alcohol consumption</u>	B-F	E-BOR	BOR
<u>Improperly possessed alcohol on duty</u>	B-C	D-BOR	BOR
<u>Improperly consumed alcohol on duty</u>	B-F	E-BOR	BOR
<u>Alcohol-Related incident off duty (Unbecoming Conduct)</u>	B-F	E-BOR	BOR

<b>BIASED POLICING</b>	First Offense	Second Offense	Third Offense
<u>Knowingly engaged in Biased Policing</u>	BOR		

<b>BODY WORN/DIGITAL IN-CAR VIDEO VIOLATION</b>	First Offense	Second Offense	Third Offense
<u>Fail to activate Body Worn/Digital In-Car Video as required</u>	B-C	B-F	E-BOR
<u>Inappropriately disable/deactivate Body Worn/Digital In-Car Video system</u>	B-C, F	B-F	E-BOR
<u>Duplicate or retain Body Worn/Digital In-Car Video recording without authorization</u>	B-C, F	B-F	E-BOR
<u>Intentionally damage Body Worn/Digital In-Car Video system</u>	E-BOR	BOR	

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<b>DETENTION VIOLATION</b>	First Offense	Second Offense	Third Offense
<u>Detaining or arresting a person without legal justification</u>	<b>B-BOR</b>	<b>D-BOR</b>	<b>BOR</b>
<u>Transporting a person without legal justification</u>	<b>B-BOR</b>	<b>D-BOR</b>	<b>BOR</b>
<b>DETRIMENTAL WORKPLACE BEHAVIOR</b>	First Offense	Second Offense	Third Offense
<u>Conduct that interferes and/or disrupts work performance or the work environment</u>	<b>A-B</b>	<b>B-D, F</b>	<b>E-BOR</b>
<b>DISCOURTESY-General</b>	First Offense	Second Offense	Third Offense
<u>Discourteous act or statement; uttered, written, or transmitted via any media</u>	<b>A-B</b>	<b>B-C</b>	<b>D-BOR</b>
<b>DISCOURTESY-Disability</b>	First Offense	Second Offense	Third Offense
<u>A discourteous act or statement; uttered, written, or transmitted via any media, to or about another person, which is based upon the actual or perceived disability of another</u>	<b>B-BOR</b>	<b>D-BOR</b>	<b>BOR</b>
<b>DISCOURTESY-Ethnic</b>	First Offense	Second Offense	Third Offense
<u>A discourteous act or statement; uttered, written, or transmitted via any media, to or about another person, which is based upon the actual or perceived race or ethnicity of another</u>	<b>B-BOR</b>	<b>D-BOR</b>	<b>BOR</b>

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<b>DISCOURTESY-Gender</b>	First Offense	Second Offense	Third Offense
A discourteous act or statement; uttered, written, or transmitted via any media, to or about another person, which is based upon the <u>actual or perceived gender of another</u>	B-BOR	D-BOR	BOR
<b>DISCOURTESY-Religion</b>	First Offense	Second Offense	Third Offense
A discourteous act or statement; uttered, written, or transmitted via any media, to or about another person, which is based upon the <u>actual or perceived religion of another</u>	B-BOR	D-BOR	BOR
<b>DISCOURTESY-Sexual Orientation/Identification</b>	First Offense	Second Offense	Third Offense
A discourteous act or statement; uttered, written, or transmitted via any media, to or about another person, which is based upon the <u>actual or perceived sexual orientation/identification of another</u>	B-BOR	D-BOR	BOR
<b>DOMESTIC ALTERCATION</b>	First Offense	Second Offense	Third Offense
Behavior involving unnecessary violence	E-BOR	BOR	
<b>DOMESTIC INCIDENT</b>	First Offense	Second Offense	Third Offense
Inappropriate behavior not amounting to domestic alteration	B-D, F	C-BOR	BOR
Violation of a court/restraining order	B-D, F	C-BOR	BOR

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### **DOMESTIC INCIDENT (Continued)**

First Offense	Second Offense	Third Offense
E-BOR		

### **DRIVING & TRAFFIC COLLISIONS**

First Offense	Second Offense	Third Offense
B-F	D-BOR	BOR
A-C, F	C-F	D-BOR
B-BOR	E-BOR	BOR

### **DRIVING WHILE IMPAIRED**

First Offense	Second Offense	Third Offense
E-BOR	BOR	
E-BOR	BOR	

### **FAILURE TO APPEAR**

First Offense	Second Offense	Third Offense
A-B	B-C	C-F
A-B	B-C	C-F

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<b>F</b>	Demotion; or both Suspension and Demotion
<b>BOR</b>	Board of Rights - Recommendation for Removal

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<b>FAILURE TO QUALIFY</b>	First Offense	Second Offense	Third Offense
<u>Failure to qualify with the employee's duty weapon in accordance with the Department's Firearm Qualification Schedule</u>	<b>A-B</b>	<b>B-C</b>	<b>C-F</b>

<b>FALSE STATEMENTS</b>	First Offense	Second Offense	Third Offense
<u>Knowingly make a material false statement to a supervisor during an official inquiry</u>	<b>E-BOR</b>		
<u>Knowingly make a material false statement to a supervisor during an official investigation or under oath</u>	<b>BOR</b>		
<u>Knowingly make a false statement (other than material) to a supervisor</u>	<b>E-BOR</b>	<b>BOR</b>	

<b>FALSE STATEMENTS: REPORTING/DOCUMENTATION</b>	First Offense	Second Offense	Third Offense
<u>Knowingly prepare/submit a falsified Department or other official document</u>	<b>E-BOR</b>	<b>BOR</b>	
<u>Improperly alter Department or other official records/documents</u>	<b>D-BOR</b>	<b>BOR</b>	

<b>FINANCIAL DISHONESTY/THEFT</b>	First Offense	Second Offense	Third Offense
<u>Any action by an employee on or off-duty with the intent to obtain compensation or benefits to which the employee is not entitled, including but not limited to; benefit abuse, overtime abuse, false credit application, insurance fraud, insufficient funds check or other act which could form the basis for criminal filing of theft or fraud</u>	<b>BOR</b>		

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<b>FINANCIAL DISHONESTY/THEFT (Continued)</b>	First Offense	Second Offense	Third Offense
<u>Taking or converting of money or property from another</u>	<b>BOR</b>		
<u>Converts found/seized/recovered property to personal use</u>	<b>BOR</b>		
<u>Converts City property/resources to personal use</u>	<b>B-BOR</b>	<b>BOR</b>	

<b>IMPROPER REMARK</b>	First Offense	Second Offense	Third Offense
<u>Statement uttered, written, or transmitted via any media that is contrary to Department values and/or insults or offends another Department employee</u>	<b>A-D, F</b>	<b>B-F</b>	<b>E-BOR</b>
<u>Improper remark to a supervisor</u>	<b>A-D, F</b>	<b>B-F</b>	<b>E-BOR</b>

<b>INSUBORDINATION</b>	First Offense	Second Offense	Third Offense
<u>Failure to comply with a lawful order or direction, whether verbal, written, or electronically conveyed</u>	<b>B-BOR</b>	<b>D-BOR</b>	<b>BOR</b>

<b>MISLEADING STATEMENTS</b>	First Offense	Second Offense	Third Offense
<u>Knowingly make a misleading statement to a supervisor during an official inquiry and/or under oath</u>	<b>E-BOR</b>	<b>BOR</b>	
<u>Knowingly provide misleading information in an official document or communication</u>	<b>C-BOR</b>	<b>BOR</b>	

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## **MISLEADING STATEMENTS (Continued)**

	First Offense	Second Offense	Third Offense
<u>Intentionally fail to disclose relevant information in an official document or communication</u>	C-BOR	BOR	
<u>Failure to correct a statement that the employee was aware was misunderstood or misrepresented by another</u>	C-BOR	BOR	

## **NARCOTICS/DRUGS**

	First Offense	Second Offense	Third Offense
<u>Ingest/under the influence of illegal narcotics/drugs</u>	BOR		
<u>Possess/sell/purchase/transport illegal narcotics/drugs</u>	BOR		
<u>Improperly provide/offer prescription drugs</u>	B-BOR	BOR	
<u>Improperly sell prescription drugs</u>	BOR		
<u>Unfit for duty while under the influence of prescription drugs</u>	B-F	E-BOR	BOR
<u>Improperly use/possess prescription drugs</u>	B-BOR	BOR	

## **NEGLECT OF DUTY**

	First Offense	Second Offense	Third Offense
<u>Failure to care for Department/City equipment resulting in its damage/loss</u>	A-B	B-C	C-BOR
<u>Improper/unsafe use of Department/City equipment</u>	A-B	B-C	C-BOR
<u>Fail to properly care for/book property of arrestee/victim/other</u>	A-B	B-C	C-BOR

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<b>NEGLECT OF DUTY (Continued)</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>
<u>Excessive tardiness</u>	<b>A-B</b>	<b>B-C</b>	<b>C-BOR</b>
<u>Absent from post/assigned area/duty station without authorization</u>	<b>A-B</b>	<b>B-C</b>	<b>C-BOR</b>
<u>Negligently prepares/submits inaccurate/incomplete Department or other official report</u>	<b>A-E</b>	<b>B-BOR</b>	<b>E-BOR</b>
<u>Fail to report for duty as scheduled</u>	<b>A-B</b>	<b>B-C</b>	<b>C-BOR</b>
<u>Fail to handle assigned radio call</u>	<b>A-B</b>	<b>B-C</b>	<b>C-BOR</b>
<u>Fail to take appropriate action/provide appropriate service</u>	<b>A-C</b>	<b>B-F</b>	<b>E-BOR</b>
<u>Fail to report on-duty use of force incident</u>	<b>B-BOR</b>	<b>E-BOR</b>	<b>BOR</b>
<u>Fail to report misconduct</u>	<b>B-BOR</b>	<b>E-BOR</b>	<b>BOR</b>
<u>Fail to process report in timely manner</u>	<b>A-B</b>	<b>B-C</b>	<b>C-BOR</b>
<u>Fail to properly search vehicle/holding tank/cell</u>	<b>A-B</b>	<b>B-C</b>	<b>C-BOR</b>
<u>Fail to properly search arrestee/detainee</u>	<b>A-B</b>	<b>B-C</b>	<b>C-BOR</b>
<u>Release wrong prisoner/property from custody</u>	<b>A-B</b>	<b>B-C</b>	<b>C-BOR</b>
<u>Fail to control arrestee/detainee resulting in escape</u>	<b>A-B</b>	<b>B-C</b>	<b>C-BOR</b>
<u>Fail to properly care for/monitor person in custody</u>	<b>A-F</b>	<b>C-F</b>	<b>BOR</b>

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<b>NEGLECT OF DUTY (Continued)</b>	First Offense	Second Offense	Third Offense
<u>Work off-duty without work permit</u>	<b>A-B</b>	<b>B-C</b>	<b>C-F</b>
<u>Entered into a personal or business relationship with a supervisor in violation of DM Section 1/271</u>	<b>B-C, F</b>	<b>C-F</b>	<b>E-BOR</b>

<b>NEGLECT OF DUTY-SUPERVISORY DUTIES</b>	First Offense	Second Offense	Third Offense
<u>Fail to initiate/process personnel complaint</u>	<b>B-F</b>	<b>E-BOR</b>	<b>BOR</b>
<u>Fail to develop/maintain proper administrative controls</u>	<b>A-D, F</b>	<b>C-F</b>	<b>E-BOR</b>
<u>Fail to properly review/approve Department report(s)</u>	<b>A-D, F</b>	<b>C-F</b>	<b>E-BOR</b>
<u>Entered into a personal or business relationship with a subordinate or supervisor in violation of DM Section 1/271</u>	<b>B-C, F</b>	<b>C-F</b>	<b>E-BOR</b>

<b>NEGLIGENT DISCHARGE</b>	First Offense	Second Offense	Third Offense
<u>The unintentional discharge of a firearm, with or without injury, which the COP or Police Commission determines to be out of policy or gives administrative disapproval</u>	<b>A-BOR</b>	<b>B-BOR</b>	<b>BOR</b>

<b>OTHER POLICY/RULE</b>	First Offense	Second Offense	Third Offense
<u>Violate any Department or City policy/rule/procedure</u>	<b>A-BOR</b>	<b>A-BOR</b>	<b>A-BOR</b>
<u>Carrying/using unauthorized weapon/ammunition on or off duty</u>	<b>A-C</b>	<b>B-BOR</b>	<b>D-BOR</b>

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#### **OTHER POLICY/RULE (Continued)**

	First Offense	Second Offense	Third Offense
<u>Improperly home garage/dispersal park City vehicle</u>	<b>A-B</b>	<b>B-C</b>	<b>C-F</b>

#### **SAFETY BELT VIOLATION**

	First Offense	Second Offense	Third Offense
<u>Failure to wear safety belt while operating or riding in a City vehicle as required</u>	<b>A-B</b>	<b>B-D</b>	<b>D-F</b>

#### **SEARCH VIOLATION**

	First Offense	Second Offense	Third Offense
<u>Search of a person, vehicle, or location, without proper legal justification</u>	<b>A-E</b>	<b>D-BOR</b>	<b>BOR</b>

#### **SEXUAL MISCONDUCT**

	First Offense	Second Offense	Third Offense
<u>Obscene conduct or improper touching of another in a sexual manner</u>	<b>C-BOR</b>	<b>BOR</b>	
<u>Forced sex acts upon another</u>	<b>BOR</b>		
<u>Solicitation of sexual acts</u>	<b>D-BOR</b>	<b>BOR</b>	

#### **SHOOTING VIOLATION**

	First Offense	Second Offense	Third Offense
<u>The intentional discharge of a firearm, on or off-duty, in the performance of law enforcement duties, which the COP or Police Commission determines to be out of policy or gives administrative disapproval and cannot be addressed through extensive retraining</u>	<b>B-BOR</b>	<b>C-BOR</b>	<b>BOR</b>

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<b>UNAUTHORIZED FORCE</b>	First Offense	Second Offense	Third Offense
Unauthorized force (excluding shooting violations) that cannot be addressed by extensive retraining	A-BOR	C-BOR	E-BOR
<b>UNAUTHORIZED TACTICS</b>			
Unauthorized tactics that cannot be addressed by extensive retraining	A-F	B-F	C-BOR
Inappropriately drawing and exhibiting a weapon that cannot be addressed by extensive retraining	A-F	B-BOR	C-BOR
<b>UNBECOMING CONDUCT-Computer Violation</b>	First Offense	Second Offense	Third Offense
Improper use of Department computer systems for non-duty related activities	A-C, F	C-F	D-BOR
Inappropriate accessing of databases/confidential information	B-F	E-BOR	BOR
<b>UNBECOMING CONDUCT-Convert On-Duty Contact to Off-Duty Relationship</b>	First Offense	Second Offense	Third Offense
Attempts/converts on duty contact to off-duty relationship	A-C, F	B-F	E-BOR

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<b>UNBECOMING CONDUCT-Criminal</b>	First Offense	Second Offense	Third Offense
<u>Convicted of a felony</u>	BOR		
<u>Convicted of a misdemeanor</u>	B-BOR	E-BOR	BOR
<u>Off-duty inappropriately strike another</u>	A-F	C-BOR	BOR
<u>Violate court order as determined by the court</u>	B-F	E-BOR	BOR

<b>UNBECOMING CONDUCT-Encounter with On-Duty Law Enforcement Personnel</b>	First Offense	Second Offense	Third Offense
<u>Failure to cooperate with a criminal investigation</u>	B-BOR	D-BOR	BOR
<u>Off-duty, improper remark to on-duty law enforcement personnel</u>	A-F	B-F	BOR

<b>UNBECOMING CONDUCT-Social Media</b>	First Offense	Second Offense	Third Offense
<u>Inappropriately posted a comment, photo, video or other content on social media, which may bring discredit to the Department, the City, or themselves (DM Section 1/210.35)</u>	A-BOR	B-BOR	C-BOR

<b>UNBECOMING CONDUCT-Miscellaneous</b>	First Offense	Second Offense	Third Offense
<u>Use of official position to solicit gratuities/gifts/special favors</u>	B-BOR	E-BOR	BOR
<u>Fail to maintain valid driver's license/registration/car insurance</u>	A-B	B-F	D-BOR
<u>Improperly identify self as LAPD employee</u>	A-B	B-C, F	C-BOR

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<b>UNBECOMING CONDUCT-Miscellaneous (Continued)</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>
<u>Compromise an official investigation</u>	<b>B-BOR</b>	<b>E-BOR</b>	<b>BOR</b>
<u>Inappropriate relationship with convicted felon</u>	<b>E-BOR</b>	<b>BOR</b>	
<u>Legally prohibited from possessing a firearm</u>	<b>BOR</b>		
<u>Unable to perform essential functions of a Police Officer</u>	<b>BOR</b>		
<u>Work off-duty while on Injured-on-Duty (IOD) status</u>	<b>B-BOR</b>	<b>BOR</b>	
<u>Unauthorized disclosure of confidential information</u>	<b>B-BOR</b>	<b>E-BOR</b>	<b>BOR</b>
<u>Conduct on or off-duty, which may bring discredit to the Department, the City, or themselves, and which is not specifically classified under another category (DM Section 1/210.35)</u>	<b>A-BOR</b>	<b>B-BOR</b>	<b>C-BOR</b>
<u>Direct/permit/authorize subordinate to commit misconduct</u>	<b>B-BOR</b>	<b>BOR</b>	

<b>UNEQUAL TREATMENT VIOLATION-WORKPLACE/ PROHIBITED EXPRESSIONS OF BIAS</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>
<u>Display/transmit/post material demonstrating bias against any of the protected groups</u>	<b>B-BOR</b>	<b>D-BOR</b>	<b>BOR</b>
<u>Retaliation as defined in DM Section 1/272.</u>	<b>D-BOR</b>	<b>BOR</b>	
<u>Improperly or unlawfully imposing disparate treatment/adverse impact/failing to provide reasonable accommodation to any of the protected groups</u>	<b>B-BOR</b>	<b>E-BOR</b>	<b>BOR</b>
<u>Other</u>	<b>B-BOR</b>	<b>C-BOR</b>	<b>D-BOR</b>

<b>LEGEND</b>	
<b>A</b>	Sustained-No Penalty or Admonishment
<b>B</b>	Official Reprimand or Suspension of 1 to 5 days
<b>C</b>	Suspension of 6 to 10 days
<b>D</b>	Suspension of 11 to 15 days
<b>E</b>	Suspension of 16 to 22 days
<b>F</b>	Demotion; or both Suspension and Demotion
<b>BOR</b>	Board of Rights - Recommendation for Removal
<i>Note: Category "F" should be considered when the employee is in a civil service classification of detective, sergeant or above.</i>	

<b>UNWELCOME SEXUAL ADVANCES-WORKPLACE</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>
<u>General:</u> Sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature in the workplace that is not welcomed by another	B-BOR	D-BOR	BOR
<u>Quid Pro Quo:</u> Sexual advances, requests and/or conduct that is either explicitly or implicitly made a term or condition of employment and when submission to or rejection of such conduct is used as the basis for employment decisions	BOR		
<b>VEHICLE PURSUIT-RELATED VIOLATION</b>			
<u>Out of policy vehicle pursuit</u>	A-D, F	B-BOR	C-BOR
<u>Other improper vehicle pursuit-related activities</u>	A-D, F	B-BOR	C-BOR